

Minutes of the Planning Commission meeting held on Thursday, May 20, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair  
Sheri Van Bibber, Vice-Chair  
Karen Daniels  
Kurtis Aoki  
Jeff Evans  
Tim Taylor  
Ray Christensen, Senior Planner  
Tim Tingey, Community & Economic Development Director  
G.L. Critchfield  
Citizens

Excused: Ray Black

Mr. Harland opened the meeting and welcomed those present.

#### APPROVAL OF MINUTES

Sheri Van Bibber made a correction to the minutes of May 6, 2010 pertaining to conflicts of interest. She said that the minutes should read that Chad Woolley is a neighbor and friend of hers but that this will not affect her ability to make an impartial decision. Mr. Harland stated that on page 3 of the minutes a wording change should be made to read "required" instead of "require".

Tim Taylor made a motion to approve the minutes with the changes noted. Seconded by Sheri Van Bibber.

A voice vote was made. The minutes were approved unanimously, 6-0.

#### CONFLICT OF INTEREST

Jeff Evans asked to be excused from Agenda Item 5, Huka Internet Cafe and Juice Bar. There were no other conflicts of interest stated regarding this agenda.

#### APPROVAL OF FINDINGS OF FACT

Tim Taylor made a motion to approve the Findings of Fact for Mountain Medical, Intermountain Healthcare TOSH, Skin Deep, Absolute MMA and Jordan Morrell. Seconded by Sheri Van Bibber.

A voice vote was made. The motion passed unanimously, 6-0.

#### BEAN FIREARMS COMPANY, LLC – 79 West 4500 South #3 – Project #10-152

Greg Bean was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for small arms parts manufacturing. He said that the property is located in the M-G-C zone. He stated that there are some improvements that need to be made to the property, including the enclosure of an existing dumpster and adding a handicapped parking stall to meet ADA

regulations. He said that this business use is for manufacturing parts only and that no assembly will take place at this site. Mr. Christensen said that staff is recommending approval of this Conditional Use Permit.

Greg Bean stated that he owns C & C Rescue Incorporated which is a machine shop. He confirmed that he has received a copy of the staff report and has reviewed the conditions. He stated that he will meet all of the requirements.

Mr. Evans asked where the final assembly of the parts will take place. Mr. Bean responded that another location for assembly has not yet been acquired. Ms. Van Bibber asked how long Mr. Bean has been in business at this location. He replied that his machine shop has been in business since 2002 and that he has been at this location since 2004.

Ms. Van Bibber asked if he is applying for a new business license. Mr. Bean confirmed that he is, and that he must be licensed correctly because the business name will be engraved on the manufactured parts.

There were no comments from the public pertaining to this item.

Kurtis Aoki made a motion to approve a Conditional Use Permit for Bean Firearms, located at 79 West 4500 South #3, subject to conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. All of the parking stalls shall be paved and striped to meet zoning, including disabled stalls to meet ADA regulations.
4. The trash containers shall be screened as required by Section 17.76.170.
5. The manufacture of small firearms is limited to parts manufacture and no assembly of firearms.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A\_\_ Jeff Evans  
A\_\_ Karen Daniels  
A\_\_ Sheri Van Bibber  
A\_\_ Jim Harland  
A\_\_ Tim Taylor  
A\_\_ Kurtis Aoki

Motion passed, 6-0.

HUKA LOUNGE, INTERNET CAFÉ & JUICE BAR – 139 East 6100 South –  
Project #10-153

Nathan Porter, 97 Princeton Drive, was the applicant present to represent this request. Tim Tingey reviewed the location and request for a Conditional Use Permit for an Internet Café and Juice Bar. He said that this business is located in a C-D-C zone on the north side of 6100 South. He stated that there are landscaping requirements adjacent to 6100 South, which would take out some of the parking spaces. Mr. Tingey stated that 46 parking stalls are required, and if the landscaping requirements are met there would only be 7 stalls at the site. He said that there was a parking agreement submitted with this application. Mr. Tingey stated that this particular use is not defined in the standard land use code, and therefore when an ambiguity exists a determination can be made to classify the use as a conditional use or another category. He said that any parking agreement that involves parking more than 200 feet off site requires Planning Commission approval. He stated that the additional parking area also must meet the code standards and that this particular area would require some minor modifications. Mr. Tingey stated that staff is concerned that the parking agreement is on a month-to-month basis and is not adequate for this site. He said that comments and letters of concern have been submitted regarding this parking issue. He stated that based upon these issues staff is recommending denial of this application.

Nathan Porter and his wife Amy Porter, along with Bryant and DeeAnn Porter, 11468 South Autumn Hill Drive, Sandy, were representing this application. Nathan Porter stated that they own the Huka Bar and Grill, which has existed at this location for five years. He said that the building next door became available and that they have been remodeling it for a few months to turn it into a coffee shop and juice bar that has Internet availability. He said that there is a lot of seating at the shop property, which is why they have been required to obtain a Conditional Use Permit for a shared parking situation. He said that they were asked to acquire 45 additional parking stalls and have actually secured 74 stalls. Mr. Porter stated that because he also has a business in the adjacent building, customers would be able to park in the two lots as well. He stated that on busy nights they offer a free valet service to ensure that cars are parked in appropriate places and not on the street. He said that the valet parking is in the Backman Title lot. He said that his business hours differ from the other businesses around him and that he is busiest from Thursday through Saturday from 9 p.m. to 1 a.m. Mr. Porter stated that he has obtained verbal agreements from surrounding properties that there is not a problem with people parking in their lots after hours. He said that the month-to-month agreement is with Backman Title in exchange for Mr. Porter maintaining the parking lot. He said that his security employees clean up the area each night and that he has a cleaning crew on Sunday that does extensive clean up. Mr. Porter stated that there are garbage cans on each light pole. He said that the letter of concern from a neighboring business pertains to an incident a few years ago when one of his patrons drove over the grass and a cement barrier, which pulled the oil pan off of the car. He said that oil was spilled in the parking lot, and that he cleaned it up the following day. Mr. Porter stated that another incident involved a car that was left in the lot overnight and blocked the receiving door for an adjacent business, resulting in the car being towed. He stated that he tries to be a good neighbor and has expressed willingness to cooperate with this neighbor. He said that there will not be any alcohol served at the new Huka lounge and that he anticipates the patrons will be more mature than those in the past.

Ms. Van Bibber asked what hours the juice bar will be open. Mr. Porter responded that he anticipates being open from 5 p.m. to 4 a.m. She asked who had given verbal authorization for parking at Fashion Place Mall. Mr. Porter responded that it was Alan, the General Manager, and that they have had a good business relationship. He said that with the parking agreement, his club has more parking than the other three clubs in the area. He stated that the monthly parking agreement is a rental agreement and that he pays a fee.

Kurtis Aoki asked if there will be any alcohol served and where the bottles in the parking lot are coming from. Mr. Porter stated that he will not serve any alcohol in the juice bar, and that the alcohol will only be served in the Huka Bar as it has been in the past.

Tim Taylor asked if the valet would service both the bar and the lounge. Mr. Porter responded that they will. He said that all of his employees park at Backman Title, which keeps parking spaces open in the lot near the building. He said that the valet service also includes sweeping and cleaning of the parking lot, and that the mall has 24 hour security. He stated that the additional security is important because of the nighttime hours. Ms. Van Bibber asked if there will be a valet at both locations and if the valet signs are authorized. Mr. Porter stated that there are signs at both locations directing cars to a single valet. Mr. Harland stated that they are temporary signs that are removed at the end of the night. Mr. Porter stated that the valet has three to four employees at a time to handle the cars.

Ms. Van Bibber asked how many employees Mr. Porter has. He responded that the Huka Bar has approximately 25 employees per shift and a total of 80 employees. Mr. Harland stated that the main concern is the month-to-month parking agreement with Backman Title. He said that the agreement needs to be ongoing with no expiration date. Mr. Porter stated that the reason the agreement is on a monthly basis is to ensure that all conditions are met or the agreement will be revoked. Mr. Harland asked about the parking located near the other business that Mr. Porter owns. Tim Tingey stated that those stalls are for the other business use and cannot be used for both. Mr. Harland asked if he has considered entering into an agreement with the mall. Mr. Porter stated that the mall also has to maintain a certain number of spaces and that there is a period between 5 p.m. and 9 p.m. that both places are open, preventing a formal parking agreement. He said that he has offered to allow mall employee parking at his site during the daytime hours of the holiday season when his business isn't open.

Bryant Porter asked if the wording in the parking agreement was the issue and said that they don't have to renew the contract every month. He said that the intent of the agreement is to be ongoing. Nathan Porter said that the term of the contract is not an issue because it could be revoked at any time if he was not maintaining the parking lot adequately. Karen Daniels stated that the problem with a month-to-month agreement is that the city will have to check each month to ensure that the agreement is still in force. She suggested that Mr. Porter obtain a new parking agreement that is ongoing and submit it to planning and zoning. Mr. Porter said that he is willing to do that but does not want to wait another month in order to move forward.

Tim Tingey stated that the agreement is month-to-month and there is nothing stating that it is ongoing. He said that he is uncomfortable recommending approval of the Conditional Use Permit with the condition that the applicants obtain an ongoing agreement. He said that this should be completed first. He stated that the standards must be met in order to obtain a Conditional Use Permit, and adequate parking is one of those standards. Mr. Aoki asked if this item could be continued to the next meeting. Mr. Tingey responded that it could be put on the agenda for the second meeting in June.

Jim Harland opened the meeting for public comment. He invited the representative from Backman Title to speak first.

Patrick Mullaly, 167 East 6100 South, was representing Backman Title. He said that he was surprised that a particular parking lot had been offered to mall employees as his employees had been told by the owner of the building that their cars would be towed if they parked there. He stated that the contract is a month-to-month contract with the ability to terminate with 10 days notice. He said that the reason he agreed to the contract was to have a written document and not rely on verbal agreements. Mr. Mullaly said that he advised Mr. Porter that he believed the spirit of the contract would extend to the neighboring businesses and that if any damage occurred to any nearby properties that would be cause to terminate the agreement. He stated that they have tried to be good neighbors and want to continue to be good neighbors although there have been some challenges in the past. He said that the spirit of the contract gives them something that has some teeth, should they experience once again what they have experienced in the past.

Mr. Harland asked Mr. Mullaly if they will be changing the contract. Mr. Mullaly responded that he is subject to executive decision and that their company president is the person who wrote the contract rather than relying on verbal agreements.

Kurtis Aoki asked about additional conditions for the site. Mr. Mullaly responded that he is not aware of the additional conditions that may be imposed for his property to be brought into compliance. Tim Tingey stated there are basic requirements related to disabled parking stalls, adequate number of marked stalls, proper stall size, proper aisle width and some landscaping. He stated that the parking lot is basically in good shape, but there may be some minor improvements to be completed by Backman Title. Mr. Mullaly stated that they are not willing to invest money into their parking lot to enhance it for the Huka Internet business.

Kevin Parker, 1653 Harrison Avenue, stated he is the owner of Valet Parking Services in Salt Lake City and has been in business for 15 years. He explained that his business makes a small parking area into a big parking area by stacking the cars. He gave the example of The Tuscan Restaurant parking situation. Mr. Parker stated that he feels he can comfortably park 45 cars in the Huka Internet parking lot. He started his parking practices facilitate 2.5 cars per stall. Mr. Parker stated that if his business is parking all the vehicles on the site, the parking stall striping may not need to occur. He stated that he handles all the parking for big events held at the Fashion Place Mall such as After Thanksgiving Day shopping and also the Nordstrom parties. Mr. Parker stated he had a contract with Cheesecake Factory for parking and he cleans up the lots and facilities parking between the various businesses located on the Fashion Place Mall property. He

stated his business is fully insured and are insured up to half a million dollars per car. If the concern for parking is area, he can supply all the parking needs within the parking lot. Mr. Harland stated that parking is required to meet the city standards in regards to size and aisle width, etc.

Bart Bickmore, 3566 East Applemill Cove, Salt Lake City, stated he is the owner of Bickmore Carpets which is the adjacent property. Mr. Bickmore expressed opposition to this proposal and stated that his business is the one most affected by this proposal. He stated that they share a common driveway for the building with the seven stalls and also his building. If the adjacent property's parking lot is full, by default the parking overflow comes into his parking area. Mr. Bickmore expressed concern that if there is to be additional cars there will not be adequate parking given the existing situation. He stated if this Huka Internet Café use is approved, he will gate and fence off his property to block access because he does not want to deal with parking problems. He asked the Commission to vote against this conditional use request. He asked if there is confirmation from Fashion Place Mall allowing Huka customers to park at the mall property and questioned the safety issues for customers that would have to cross 6100 South Street. Ms. Van Bibber responded that there is no confirmation from Fashion Place Mall allowing the Huka business to park at the mall property.

Karen Daniels asked Mr. Bickmore how he would fence off his property. Mr. Bickmore responded he would not be fencing off the driveway but the other portion of his property.

Jim Harland stated that Bart Bickmore has submitted a letter to the Planning Commission indicating his concerns and opposition to this request of the Huka Internet Café and Juice Bar.

Tim Tingey stated the Commission has also received a letter from Alan Clark who is the Senior General Manager of General Growth Properties dated May 17, 2010, owner of Fashion Place Mall, indicating that "the patrons of the Huka Bar currently park in the fashion place parking lot on a regular basis with many dozens at a time during busy nights" and "that it is encouraging to see neighboring businesses thrive, but their main concern is to preserve parking for their customers. We hope all businesses will be required to provide sufficient parking facilities without calling upon the resources of their neighbors, particularly when the use of such neighboring facilities is unapproved".

Sheri Van Bibber commented that her interpretation of the letter from General Growth indicates that there is no approval for the Huka business to use the parking lot of Fashion Place Mall. She stated that there have been concerns regarding parking at the mall and the Huka business with regards to safety and liability of the customers and businesses, particularly having to cross 6100 South Street.

Nate Porter stated that the entrance to Bickmore Carpets is a good 75-100 feet away. Mr. Porter stated that for convenience reasons, during the daytime, all of their customers park in their front stalls. He stated on any given week there are Bickmore Carpet cars that are parked in their parking lot. He wished that they could share their parking at off hours. He stated that if Bickmore Carpets parking lot is fenced off it would make things less convenient for all. Mr. Porter stated that possibly the parking situation has become such an issue simply because the Huka Bar is a high profile club outside of downtown

Salt Lake City and of any of the clubs in the state, none of them have parking stalls which are deemed their exclusive parking stalls and they have the biggest parking lot in the state of Utah. He stated downtown people cross the streets all the time and people park along the street blocks away from the clubs and walk. Mr. Porter stated that they have security out front and 6100 South Street is not a busy street at night. He stated that there is no way they could fill the entire parking lot between the businesses at night. He stated that if the parking lot needs to be fenced off for security reasons, he would be willing to discuss this with Mr. Bickmore.

Sheri Van Bibber stated that there are 274 parking stalls for the Huka Bar, including the parking stalls from the Backman Title property and 25 employees at any given shift. Mr. Porter responded that the Huka Internet Café and Lounge may have 4 employees on any given shift and they serve food and drinks with 90 seats which requires 46 parking stalls per city code.

Sheri Van Bibber asked how many employees are at the Huka Bar on the weekends. Mr. Porter responded that there will be approximately 30 employees at any given shift and there are 80 employees total. He stated that the employees can park off-site and in parking stalls further away to reserve the more convenient stalls for the customers.

Kurtis Aoki stated that the conditional use permit application requires a review of all the businesses and parking affected by this request, including various times of the day. Mr. Porter stated that the Huka Bar is closed during the daytime while the other businesses are open. He stated the previous business in the building was a kids dance studio that wasn't paying rent and that when they had their big performances there were 60 or 70 cars parking at the Huka property. He said that it wasn't a problem and the dance studio didn't have to go through this conditional use permit process. Mr. Porter stated the real issue, in his opinion, is that because they are a night club everyone wants to make sure that they keep their parking lot cleaned up. Sheri Van Bibber responded that the kids dance studio outgrew this facility and relocated to Midvale.

Karen Daniels commented that the various parking scenarios do not need to be readdressed over and over and that the Commission is bound by the city ordinance. She stated that the Commission could deny this conditional use permit application based on the proposed parking and the applicant would have to wait a year to reapply, or it may be continued to next month pending an ongoing parking agreement with the adjacent businesses. Mr. Porter responded that additional time would be appreciated.

Tim Taylor stated that the challenge with an ongoing parking agreement is that at any time the agreement may be cancelled and at any time the business could be in violation of the conditional use permit. Tim Tingey stated that if a shared parking agreement is canceled and parking becomes an issue for an approved conditional use permit, a revocation process would occur which includes another public meeting before the Planning Commission.

Tim Taylor asked if there is any way to overcome these issues with an additional agreement with the neighboring property owners and if there is a variance process available for the parking situation based on a valet service. Tim Tingey responded that a month to month agreement is not a good situation and a longer term agreement is

preferable. He stated that if the Planning Commission were to deny this application based on the parking, and if some substantial changes then occurred, the applicant may be allowed to reapply for a conditional use permit review. He cited the example wherein the applicant bought additional adjacent property or had some type of an agreement then it may be reconsidered within a year. Mr. Tingey stated the issue with the valet service is okay, but it must be within 200 feet of the subject property and must still meet the parking code. He stated that the applicants could apply for a parking variance, but the planning staff would not recommend approval for a variance.

Bryant Porter stated that the Huka Bar has tried on three different occasions to be open for lunch, but each time it failed because there weren't enough customers. He stated that if the Huka Internet Café and Juice Bar did result in an increase of customers, there would still be plenty of parking at the Huka Bar parking lot.

Jim Harland closed the public comment portion for this item. He stated that staff has recommended denial of this application, and that if the Planning Commission denies it then the applicant could work out their issues and potentially reapply within a year. He said that if the application is continued to next month then the applicant has the opportunity to remedy the parking issues.

Karen Daniels stated Backman Title is being represented tonight, but that the corporate office would need to indicate approval of any changes in parking agreements and it may be best to continue this item until next month.

Sheri Van Bibber commented to Mr. Porter that he is not being picked on or scrutinized, but that the city is built out and parking is always reviewed and is often a point of concern. Mr. Harland stated that the nature of the Huka business is not being scrutinized, but the Planning Commission has an obligation to approve the conditional use permit if the applicant can meet all the conditions and mitigate all the problems that might arise from the development. He said that the problem at hand is parking and currently there is no proof that the proposed parking situation can be mitigated.

Karen Daniels made a motion to continue this Conditional Use Permit application for the property at 139 East 6100 South, and 165 and 167 East 6100 South, for the Huka Lounge, Internet Café and Juice Bar, until proper notice can be given. She said that the item will be continued to the meeting on June 17<sup>th</sup> at 6:30 p.m. Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A Karen Daniels  
A Sheri Van Bibber  
A Jim Harland  
A Tim Taylor  
A Kurtis Aoki

Jeff Evans abstained from the vote.

Motion passed, 5-0.



BARROWES SUBDIVISION – 5888 South Birchwood Drive – Project #10-146

Jerry Finch was the applicant present to represent this request. Ray Christensen reviewed this location and request for subdivision approval and a Conditional Use Permit for an infill development. He said that the property is zoned R-1-8 and a three lot subdivision with a cul-de-sac has been requested. He said that the property is accessed on the north side. He stated that an infill development has different setback requirements, which are 20 feet respectively on the front and rear yard. Mr. Christensen stated that the subdivision meets the infill requirements. He said that the City Engineer has indicated that a land disturbance permit will be required and the Power Department has indicated that power at this location will not be provided by Murray City. He stated that the Fire Marshall said that a fire hydrant will be required and the cul-de-sac turnaround will need to be paved to meet the Fire Department requirements. Mr. Christensen stated that staff is recommending approval of the Conditional Use Permit for the infill development, and a positive recommendation to the Mayor for approval of the subdivision.

Jerry Finch, 11698 Hillstone Drive, South Jordan, stated that the property is currently vacant except for a Quonset hut on lot 3 that will be removed. He said that this development is the best use for this property. Mr. Aoki asked if the title to the property is in the name of the current owner. Mr. Finch responded that it is.

Mr. Harland opened this item for public comment.

DeeAnn Barrowes, 1261 Sandra Circle, stated that she is present to represent 35 adults that live in the surrounding area whom have all agreed that this is an acceptable development. She said that the general opinion is that this will be a good use of the land and fits with the long term plan for Murray City.

Doug Larsen, 1016 Hyland Lake Drive, stated that he owns the property at 5812 Birchwood Drive and that he has two properties that will be affected by this development. He said that this is a proposed Planned Unit Development. He stated that Hyland Lake Cove is across the street, and that combined with the proposal for this development it will create eight dwellings where there used to be two. Mr. Larsen stated that this will create a higher density of people in a confined area. He said that there will be increased foot and vehicle traffic on Hyland Lake Drive and that there is a dangerous curve on that street. He said that he is concerned about the safety of his grandchildren near this road and requested that sidewalks be required. Mr. Larsen stated that other nearby properties were under development and had some problems, resulting in an eyesore for the neighbors for two years. He said that there should have been a bond posted that would have ensured completion of the project and requested that this be considered for the current proposed development.

Karen Daniels stated that this development is three lots. Mr. Larsen stated that between this development and Hyland Lake Cove, there will be eight family units total on the two properties. Mr. Harland stated that the role of the Planning Commission is to make a recommendation to the Mayor pertaining to subdivision approval. Mr. Evans stated that

the Traffic Safety Committee would also be an option for Mr. Larsen to present his traffic concerns.

Sheri Van Bibber asked if a sidewalk is required in a new subdivision. Mr. Aoki stated that sidewalks are required within the development but not on surrounding streets where none existed previously. Tim Tingey clarified that if this subdivision approval is sent with a positive recommendation to the Mayor, but will not go before the City Council for additional public comments. Mr. Tingey stated that there are public comment periods during City Council meetings in which citizens can comment on any issues. He said that it would be beneficial for Mr. Larsen to make the City Council aware of his concerns.

Jeff Evans made a motion to send a positive recommendation to the Mayor for preliminary and final plat approval for a three lot subdivision, and also approve a Conditional Use Permit for a single family residential infill development for the property addressed 5888 South Birchwood Drive, subject to conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Records Office.
2. Show utility easements on all of the lots to meet the subdivision ordinance regulations.
3. Indicate whether the existing Quonset hut on site will be removed or retained. If the building is to remain, submit evidence that the structure will meet all applicable setback standards of the zoning ordinance.
4. The applicant shall submit all required utility and road construction drawings for review and approval by the City Engineer.
5. The project shall meet all applicable building code standards.
6. The project shall meet all current fire codes.
7. A soils report from geo-technical engineer will be required when submitting plans for a building permit.
8. The applicant shall meet all bonding requirements for on-site and off-site improvements.
9. A Land Disturbance Permit (LDP) is required.
10. A drainage plan shall be submitted to the City Engineer for review and approval.
11. All fencing shall meet applicable zoning ordinance standards.

Seconded by Kurtis Aoki.

Call vote recorded by Ray Christensen.

A Karen Daniels  
A Sheri Van Bibber  
A Jim Harland  
A Tim Taylor  
A Kurtis Aoki  
A Jeff Evans

Motion passed 6-0.

BRIDGES ON VINE P.U.D. – 940 East Vine Street – Project #10-151

Chris Gamvroulas was the applicant present to represent this request. Ray Christensen reviewed this location and requested plan amendments. He said that this property has changed ownership and that Ivory Development will be developing the lots. He stated that the property is located within the R-1-8 zone and was originally approved as a Planned Unit Development. Mr. Christensen stated that the previous owner built one home which currently exists on the property. He said that there is a bridge at this site that needs to be completed and that there are some safety concerns pertaining to the fencing along the creek. He stated that there were 11 lots approved in the Planned Unit Development with a common area on the north side near Vine Street. He stated that some improvements are needed including curb, gutter and sidewalk. Mr. Christensen said that the City Engineer has stated that the improvements need to be completed before building permits are issued. He stated that landscaping plans need to be submitted for each of the building lots for approval by the City Forester. He said that the original development plan showed a masonry wall perimeter fence and that Ivory Development is requesting to change to solid vinyl fencing on the south and west sides of the property with chain link along portions of Cottonwood Creek. Mr. Christensen stated that staff is recommending approval of the proposed amendments with conditions. He said that the Murray City Fire Station property was accidentally included as part of this development and that a deed needs to be recorded showing proper ownership of that parcel.

Chris Gamvroulas with Ivory Homes, 978 Woodoak Lane, stated that this property was in foreclosure and his company purchased it from a bank. He said that they will be using their own home designs, which are identical to the homes in Discovery Cove. He said that in Discovery Cove 16 lots have been sold and 10 homes are under construction. Mr. Gamvroulas said that significant time has been spent making improvements to this site and that a number of problems have been resolved, including off-site easements related to water lines. He stated that the site has been cleaned up where people had deposited rubbish over the past few years. He said that a storm drain was installed today and a number of trees have been removed. Mr. Gamvroulas projected that the construction will be completed by the end of June or mid-July with a few finishing projects to extend through August.

Mr. Gamvroulas confirmed that he has received a copy of the staff report and has some concerns related to the conditions about the fencing. He stated that most of the perimeter is already fenced and that the site is surrounded by residential properties so a masonry fence is not necessary. He said that they would like to maintain the aesthetic of the creek along the east side. He said that other developments in the same area are

not fully fenced along the creek. Mr. Gamvroulas stated that it has been written into the covenants that individual homeowners would have an option to erect a 4 foot wrought iron fence along the creek and that they do not want chain link fencing in that area. He said that around the concrete culvert the existing chain link fence would be removed and replaced by a black vinyl coated chain link fence, which fits in better with the landscaping. He stated that he would like to avoid having a fence on the north side of the creek near the open space area. He said that there will be black vinyl coated chain link fencing on the south side of the creek where the building lots are, and vinyl fencing around the perimeter. Mr. Gamvroulas stated that his other concern related to the staff report is the issue about bonding for the improvements on Vine Street. He said that his company intends to complete the improvements on Vine Street, but the improvements were started previously by a different company. He believes that it is not appropriate to make this a condition for Ivory Development to have to warranty someone else's work.

Kurtis Aoki asked where the entrance is to lot 1. Mr. Gamvroulas responded that there will be a 20 foot private drive for that lot. Mr. Aoki asked about safety in the open area if there is not going to be a fence. Mr. Gamvroulas stated that there is some landscape along that section that needs to be further maintained and landscape material is on order. He said that there will be trees and shrubs and it is not planned to be an open grass area.

Karen Daniels asked about lots 11 through 8 having the black chain link fence instead of leaving the decision up to the homeowner. Mr. Gamvroulas stated that in the adjacent development homeowners along the creek have created steps leading down to the creek with seating areas, and that access to the creek is important. He said that he would like the choice to be made by the homeowner.

Mr. Harland requested that staff address these concerns related to the conditions in the staff report. Tim Tingey stated that the item related to the bond is a request from the Engineering Department and is intended to ensure that the improvements are finished. He said that the bond is not required right now, but would be required if the improvements on Vine Street aren't completed before building permits are issued. He recommended that clarification be obtained from the Engineering Department about the bond pertaining only to the improvements that are not yet completed. He stated in relation to the fencing concern, the ordinance does not specifically state that fencing is required around Planned Unit Developments. He said that the ordinance states that fencing of the site has to be a means of integrating a proposed development into its surroundings. Mr. Tingey stated that when there are safety concerns, the Planning Commission can evaluate those circumstances and determine if a fence is required. He said that he understands the concerns related to aesthetics and understands that people like to have access to the creek. Ms. Van Bibber stated it seems that this fence issue and any liability concerns should be addressed privately between Ivory and their customers. Kurtis Aoki asked about liability and safety concerns surrounding the fencing along the creek. Tim Tingey stated that this is not a requirement of the code, so therefore the City does not have liability concerns.

Mr. Harland opened the meeting for public comments related to this item.

Charles Elegante, 6121 South 900 East, Murray, stated that he is a neighbor to the south of this site. He said that it is beautiful along the creek and said that he would not want it fenced. He asked about the height of the grading, stating that the lot adjacent to his back yard is 4 to 5 feet higher. He said that he is concerned about drainage issues. He stated that there are a number of Elm trees along the property line that would have to be removed if a fence was installed. Mr. Elegante stated that his neighbor to the east requested that he caution the developer that near the north end there are some very big Cottonwood trees that don't look very healthy. He said that Ivory may want to consider taking the trees down before putting homes on those lots.

Kevin Miller, 6127 South 900 East, Murray, said that his property borders lots 7 and 8 on the south side. He said that he has similar concerns related to the elevation and drainage. He said that he has no problem with the vinyl fence, and that there may be some concern about fencing along the street where people would be walking.

Chris Gamvroulas stated that he appreciates the public comments. He said that it took four days just to clear the rubbish from the site. He stated that relative to the trees along the creek, the plan along the south boundary is to bring in an arborist to make a determination about the condition of the trees. He said that most people buying in the development want to maintain as many trees as possible. Mr. Gamvroulas said that just west of lot 4 is a sewer manhole. He said that the manholes are approximately a foot lower right now than where they'll be set permanently when the roads are in, which should give an idea of what the grade will be. He stated that he will provide contact information for the superintendent of the project so that grading and drainage questions can be answered accurately. Mr. Gamvroulas stated that he would like to have a meeting with the adjacent neighbors to answer any questions and provide additional details about drainage and fencing. Mr. Harland asked if there is any change to the original grading and drainage plans. Mr. Gamvroulas responded that those have not been changed, that the only grading change is to lot 1 and 2, where lot 1 will be dropped down about 4 feet due to the placement of the sewer line. He stated that these homes will all have full basements that are above the water table.

Charles Elegante stated that the original developer had planned to install a fence and that he postponed making repairs to his fence since it was going to be replaced soon. He said that the wind blew down the fence a few months ago and he was wondering when the new fences would be installed. Mr. Gamvroulas stated that the fencing would be installed the first part of next year.

Mr. Harland closed the public comment portion of this agenda item.

The Commission discussed the lots and fencing locations. Mr. Taylor stated that he does not want a vinyl fence on the west side of lots 8 through 11. He is also concerned about the area that has a 4 foot drop to the canal. Ms. Daniels stated that there is open green space proposed in that area. Mr. Taylor asked if lots 1 and 2 should have fencing on both sides. Ms. Daniels stated that it would be more aesthetically pleasing to only have fencing on one side where a safety concern exists.

Tim Taylor made a motion to approve the Bridges on Vine P.U.D. amendment for the property located at 940 East Vine Street, subject to conditions with a modification to condition 6:

1. The City Engineer requires a deed to be recorded so that the Murray Fire Station property shows up in Murray City ownership. An LPD permit is required, and the bond will need to be in Ivory Development's name if the improvements on Vine Street aren't completed before building permits are issued. Meet the Engineering Division requirements for grading and drainage.
2. The project shall meet all applicable building code standards including a soils report.
3. The project shall meet current fire codes and Power Department requirements including utility easements.
4. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted with building permits and be approved by the Murray City Forester and installed as approved prior to occupancy of each of the lots.
5. Meet all subdivision and planned unit development requirements.
6. All fencing shall meet the fence code regulations. The fence shall be a solid vinyl fence along the south and west perimeter of the property and chain link along both sides of the Cottonwood Creek, on the north side of lot 11 and adjacent to lots 1 and 2 on the south sides of the creek. There is not a chain link requirement along the east side of lots 8, 9, 10 and 11.
7. The minimum building setbacks from the property line to the dwellings on the lots are:  
  
Front Yard Setback: 18 feet  
Rear Yard: 15 feet  
Side Yard: 5 feet  
Corner Lot Side Yard: 18 feet
8. The common areas improvements and fencing of the planned unit development will need to be completed by the time of the final occupancy of the second dwelling unit.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A Karen Daniels  
A Sheri Van Bibber  
A Jim Harland  
A Tim Taylor

A Kurtis Aoki  
A Jeff Evans

Motion passed 6-0.

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION IN DHOD – DEMOLITION  
OF TWO BUILDINGS – 4837 South Poplar Street – Project #10-131

Tim Tingey stated that the City recently purchased this property in partnership with the Redevelopment Agency. He said that there have been a number of concerns about this property, including complaints about crime, and that the City desires to demolish the homes. He stated that one of the homes on the property is not contributing and is not historically significant. He said that the other home has been designated as contributing, and in order to demolish the home there are requirements that must be met. Mr. Tingey said that one of the main issues is to determine if the home contributes to the historic area. He stated that both the History Board and the Design Review Committee have determined that the home does not add to the historic district and recommended approval to demolish both of the structures. He said that staff is requesting a Certificate of Appropriateness to demolish both of the structures.

Mr. Harland asked about the tenants at this property. Mr. Tingey stated that the home at the rear of the property does not have a lease agreement in place and that the tenants should not be occupying the home. He said that notice has been given to the tenants in both homes that the property needs to be vacated. He stated that staff has been working closely with the tenant of the front home that had an existing lease agreement at the time the City purchased the property.

There were no comments made from members of the public.

Jeff Evans made a motion to approve a Certificate of Appropriateness for demolition of the contributing buildings located at 4837 South Poplar Street. Seconded by Tim Taylor.

Call vote recorded by Ray Christensen.

A Karen Daniels  
A Sheri Van Bibber  
A Jim Harland  
A Tim Taylor  
A Kurtis Aoki  
A Jeff Evans

Motion passed 6-0.

CERTIFICATE OF APPROPRIATENESS FOR EMERGENCY DEMOLITION OF  
CHIMNEY ON BUILDING – 4830 South State Street

Tim Tingey reviewed this request and explained that there was a health and safety issue on this property because the chimney was breaking away from the structure. He said that the Redevelopment Agency and City owns this property and during clean up of the

site the Building Official determined that the chimney was posing a risk to health and safety. He stated that staff made a decision to take down the chimney based on the determination made by the Building Official, which is allowed according to the ordinance. Mr. Tingey stated that staff is comfortable with the decision that was made but still want to obtain a Certificate of Appropriateness.

There were no comments made from members of the public.

Sheri Van Bibber made a motion to approve a Certificate of Appropriateness for the emergency demolition of a chimney at 4830 South State Street. Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A Karen Daniels  
A Sheri Van Bibber  
A Jim Harland  
A Tim Taylor  
A Kurtis Aoki  
A Jeff Evans

Motion passed 6-0.

#### Other Business

Mr. Harland commended staff for the helpful information contained in this agenda packet. He stated that the next meeting is scheduled for June 3, 2010.

Tim Tingey stated that over a year ago a housing study was presented to the Planning Commission and adopted by the City Council. He said that an agreement was just finalized to establish a non-profit housing organization in Murray City in partnership with Neighborworks. He stated that there will be a Neighborworks office located in Murray with devoted employees to focus on our area. Mr. Tingey stated that the contract indicates that eight housing rehab loans will be completed over the next year. He said that Neighborworks is matching funds from the Redevelopment Agency and CDBG funding dollar for dollar.

Mr. Evans asked what the City is going to do with the properties it recently purchased. Mr. Tingey stated that there will be an open house near the end of June to present the master plan for the area.

Ms. Van Bibber stated that she met with Select Health employees earlier this week and many indicated they would like to live in Murray if there were affordable housing options.

Meeting adjourned.

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Tim Tingey  
Community & Economic Development Director